

**S.R. 506** - By Blake: Extending congratulations to Richard W. Ballenger.

**S.R. 509** - By Clower: Extending congratulations to Larry Letscher.

**S.R. 510** - By Clower: Extending congratulations to Mr. and Mrs. Jim Jenkins on the birth of their daughter, Mary Katherine.

### ADJOURNMENT

On motion of Senator Jones of Harris the Senate at 12:56 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

### APPENDIX

Sent to Governor

(May 1, 1979)

<b>S.C.R. 31</b>	<b>S.C.R. 43</b>	<b>S.C.R. 52</b>
<b>S.B. 11</b>	<b>S.B. 430</b>	<b>S.B. 653</b>
<b>S.B. 12</b>	<b>S.B. 433</b>	<b>S.B. 682</b>
<b>S.B. 13</b>	<b>S.B. 449</b>	<b>S.B. 683</b>
<b>S.B. 42</b>	<b>S.B. 489</b>	<b>S.B. 686</b>
<b>S.B. 111</b>	<b>S.B. 538</b>	<b>S.B. 704</b>
<b>S.B. 274</b>	<b>S.B. 542</b>	<b>S.B. 724</b>
<b>S.B. 339</b>	<b>S.B. 576</b>	<b>S.B. 919</b>
<b>S.B. 341</b>	<b>S.B. 592</b>	<b>S.B. 1189</b>
<b>S.B. 343</b>	<b>S.B. 612</b>	<b>S.B. 1190</b>
<b>S.B. 420</b>	<b>S.B. 616</b>	<b>S.B. 1191</b>
	<b>S.B. 1192</b>	

### SIXTY-SECOND DAY

(Wednesday, May 2, 1979)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Bracklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Tracer, Truan, Vale, Williams.

A quorum was announced present.

The Reverend I. J. Fontaine, Memorial Baptist Church, Austin, offered the invocation as follows:

Oh Heavenly Father, Once again Thy humble servant comes to give Thee thanks; I thank Thee first of all for Thy darling Son, Jesus, and for letting us arrive safely to this Session.

I pray for everyone here, and that this Session will be in accordance to Thy will. Oh, Heavenly Father, we ask that You forgive us our sins and help us to resist temptations.

Bless each of those who are making decisions to govern our State, and be with us when we part, in Jesus' name I pray. Amen.

On motion of Senator Moore and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

### MESSAGE FROM THE HOUSE

House Chamber  
May 2, 1979

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT THE HOUSE HAS PASSED THE FOLLOWING:

**S.C.R. 53** Commemorating the life and achievements of Albert Einstein

**S.C.R. 69** Encouraging Greek government to consider Houston and Houston's Museum of Fine Arts as site for exhibit of "The Search for Alexander the Great."

HCR 39, Memorializing the government of the United States to urge the Federal Republic of Germany and the legislators of that nation to abolish or extend the statute of limitations relating to Nazi war crimes.

HB 3, A bill to be entitled An Act relating to elections to reduce local increases in effective property tax rates.

HB 4, A bill to be entitled An Act relating to the investment and deposit of state funds.

HB 205, A bill to be entitled An Act relating to deposits paid to certain public utilities as a condition precedent to furnishing utility service.

HB 306, A bill to be entitled An Act relating to benefits payable by the Employees Retirement System of Texas to certain annuitants.

HB 792, A bill to be entitled An Act relating to speed limits on private roads in unincorporated areas.

HB 801, A bill to be entitled An Act relating to payment of construction contracts by municipal utility districts.

HB 921, A bill to be entitled An Act relating to courses of instruction offered in public schools.

HB 1001, A bill to be entitled An Act relating to exclusion of certain information in driver's license records.

HB 1058, A bill to be entitled An Act relating to elections for consolidation of school districts.

HB 1733, A bill to be entitled An Act relating to housing for persons and families of low and moderate income.

HB 1803, A bill to be entitled An Act relating to state loans for the establishment of plants to manufacture fuel from renewable energy resources.

HB 1876, A bill to be entitled An Act authorizing cities and counties to create and utilize public nonprofit corporations for the purpose of providing a means of financing the cost of residential ownership and development that will provide decent, safe, and sanitary housing for residents.

HB 1918, A bill to be entitled An Act relating to the allocation and use of certain cigarette tax revenue.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### **BILLS AND RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

**S.B. 629**  
**S.B. 599**  
**S.B. 504**  
**S.B. 375**  
**H.C.R. 158**  
**H.C.R. 175**  
**H.C.R. 177**

#### **CO-AUTHOR OF SENATE BILL 195**

On motion of Senator Truan and by unanimous consent, Senator Ogg will be shown as Co-author of **S.B. 195**.

#### **REPORTS OF STANDING COMMITTEES**

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

**S.B. 800**  
**S.B. 1272**  
**H.B. 511**  
**S.B. 1118** (Amended)  
**S.B. 1112**  
**S.B. 1054**  
**S.B. 1053**  
**S.B. 1051**

**H.B. 550**  
**S.B. 964**  
**S.B. 1204** (Amended)  
**S.B. 648**  
**S.B. 985**  
**C.S.S.B. 839** (Read first time)  
**C.S.S.B. 684** (Read first time)  
**C.S.S.B. 446** (Read first time)

Senator Brooks submitted the following report for the Committee on Human Resources:

**H.B. 1163**  
**S.B. 1226**  
**S.B. 1228**  
**S.B. 1227**  
**S.B. 196**  
**S.B. 201**  
**H.B. 868**  
**C.S.H.B. 860** (Read first time)  
**C.S.S.B. 1017** (Read first time)

Senator Jones of Harris submitted the following report for the Committee on Administration:

**S.C.R. 82**  
**S.C.R. 83**  
**S.C.R. 81**  
**S.C.R. 80**  
**S.C.R. 79**  
**S.C.R. 78**  
**S.C.R. 77**  
**S.C.R. 66**

Senator Mauzy submitted the following report for the Committee on Education:

**H.B. 38** (Amended)  
**H.B. 1523**  
**S.B. 654** (Amended)  
**S.B. 1236** (Amended)  
**C.S.S.B. 692** (Read first time)  
**H.B. 20**  
**C.S.S.B. 1245** (Read first time)  
**S.B. 284** (Amended)

Senator Farabee submitted the following report for the Committee on Jurisprudence:

**C.S.S.B. 826** (Read first time)  
**C.S.S.B. 981** (Read first time)  
**S.B. 1043** (Amended)  
**S.B. 1044** (Amended)  
**S.B. 1045** (Amended)  
**C.S.S.B. 1108** (Read first time)  
**S.B. 1202** (Amended)

**S.B. 1255** (Amended)  
**S.B. 1256** (Amended)  
**C.S.S.B. 1200** (Read first time)  
**H.B. 12**  
**H.B. 43**  
**S.C.R. 76**  
**S.B. 450**  
**H.B. 489**  
**H.B. 671**  
**H.B. 838**  
**H.B. 875**  
**H.B. 983**  
**S.B. 1078**  
**H.B. 1275**  
**H.B. 1375**  
**H.B. 2123**  
**H.B. 2124**  
**C.S.H.J.R. 54** (Read first time)  
**C.S.S.B. 157** (Read first time)  
**C.S.S.B. 207** (Read first time)  
**H.B. 329** (Amended)  
**C.S.S.B. 507** (Read first time)  
**S.B. 519** (Amended)  
**C.S.S.B. 520** (Read first time)  
**S.B. 713** (Amended)  
**C.S.S.B. 750** (Read first time)  
**H.B. 825** (Amended)  
**C.S.S.B. 825** (Read first time)  
**S.B. 144** (Adversely)  
**S.B. 1223** (Adversely)

#### **SENATE BILLS AND RESOLUTION ON FIRST READING**

On motion of Senator Longoria and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

**S.B. 1288** by Andujar Finance  
Relating to the application of the state sales and use tax to certain medical products; amending Section (M), Article 20.04, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended.

**S.B. 1289** by Jones of Harris Intergovernmental Relations  
Relating to the compensation of Probate Judges in counties having a population of not less than one million two hundred thousand; amending Article 3883i-2, Vernon's Texas Civil Statutes, as amended; and declaring an emergency.

**S.B. 1290** by Schwartz Education  
Relating to allocation of the state higher education assistance fund.

**S.B. 1291** by Snelson Intergovernmental Relations  
Relating to the annexation by a city of property to be developed by the city as an industrial park.

**S.C.R. 86** by Longoria Administration  
Granting Dr. Arthur G. Enns permission to sue the Board of Regents of The University of Texas System, the M. D. Anderson Hospital and Tumor Institute at Houston, Texas, and the Rio Grande Radiation Treatment and Cancer Research Foundation, Incorporated, at McAllen, Texas.

TO THE SENATE OF THE SIXTY-SIXTH LEGISLATURE; REGULAR  
SESSION:

On April 26, 1979, I sent to you an emergency message requesting \$750,000 from General Revenue Fund to the Disaster Contingency Fund to supplement and pay for the damage in Wichita Falls caused by the tornado. New figures have come in on Wichita Falls. The total estimated damage there was \$241 million. The state share for individual family grants of 3,300 applicants at \$500 each amounts to \$1,650,000. The state is providing temporary housing at 2,000 sites at \$1,000 per site, for an additional \$2 million. This makes the Wichita Falls-Vernon area state cost run to \$3,650,000.

Since April 26th, there were disastrous floods in Southeast Texas that has resulted in an estimated damage of \$500 million. The state share for individual family grants of 3,000 applicants at \$625 each amounts of \$1,875,000. The state is providing temporary housing at 500 sites at \$1,000 per site or a total of \$500,000. This makes the Southeast Texas area state cost run to \$2,375,000.

No one could anticipate two disasters within two weeks in this state. Using all of the available funds in the Disaster Contingency Fund plus the \$750,000 requested April 26th, we have additional needs as outlined above. In addition we want to restore the original amount in the Contingency Fund of \$2 million to take care of any future disasters. Therefore, pursuant to the provisions of Section 5, Article III of the Constitution of Texas, I herewith submit as an emergency matter the following:

1. An emergency appropriation of \$6,126,000 from the General Revenue Fund to the Disaster Contingency Fund.

Respectfully submitted,

/s/W. P. Clements, Jr.  
Governor

#### **NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator McKnight gave notice that he would tomorrow submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

#### **SENATE BILL 315 WITH HOUSE AMENDMENT**

Senator McKnight called **S.B. 315** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment No. 1 - Presnal

Amend SB No. 315, First Printing, on page 3, line 7, by adding the following after the sentence ending with "product":

The Texas Department of Health may impose only the following fees for the movement, distribution, or sale of milk or milk products:

- (1) a permit fee not to exceed \$25 a year for a producer dairy farm;
- (2) a permit fee not to exceed \$100 a year for a processing or bottling plant;
- (3) a permit fee not to exceed \$100 for a receiving and transfer station; and
- (4) a permit fee not to exceed \$50 a year for a milk transport tanker.

The amendment was read.

Senator McKnight moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Andujar, Kothmann.

### **SENATE BILL 21 WITH HOUSE AMENDMENTS**

Senator Clower called **S.B. 21** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Substitute the following for S.B. No. 21: - Grubbs, Ceverha.

#### **A BILL TO BE ENTITLED AN ACT**

relating to the establishment of a state program to compensate certain victims of crime or their dependents.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

**SECTION 1. SHORT TITLE.** This Act may be cited as the Crime Victims Compensation Act.

**SECTION 2. DECLARATION OF PURPOSE.** The legislature recognizes that many innocent persons suffer personal injury or death as a result of criminal acts. Crime victims and persons who intervene in crimes on behalf of peace officers may suffer disabilities, incur financial burdens, or become dependent on public assistance. The legislature finds and determines that there is a need for indemnification of victims of crime and citizens who suffer personal injury or death in the prevention of crime or the apprehension of criminals.

**SECTION 3. DEFINITIONS.** In this Act:

(1) "Board" means the Industrial Accident Board.

(2) "Claimant" means a victim or an authorized person acting on behalf of any victim.

(3) "Collateral source" means a source of benefits or advantages for pecuniary loss awardable other than under this Act which the victim has received, or which is readily available to him or her from:

(A) the offender under an order of restitution to the claimant imposed by a court as a condition of probation;

(B) the United States or a federal agency, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them in excess of or secondary to benefits under this Act;

(C) Social Security, Medicare, and Medicaid;

(D) state-required temporary nonoccupational disability insurance;

(E) workers' compensation;

(F) wage continuation programs of any employer;

(G) proceeds of a contract of insurance payable to the victim for loss which he or she sustained because of the criminally injurious conduct; or

(H) a contract providing prepaid hospital and other health care services, or benefits for disability.



- (4) "Criminally injurious conduct" means conduct that:
  - (A) occurs or is attempted in this state;
  - (B) poses a substantial threat of personal injury or death;
  - (C) is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state; and
  - (D) is not conduct arising out of the ownership, maintenance, or use of a motor vehicle, aircraft, or water vehicle except when intended to cause personal injury or death in violation of Section 38, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), or Article 6701l-1 or 6701l-2, Revised Civil Statutes of Texas, 1925, as amended.
- (5) "Dependent" means:
  - (A) a surviving spouse;
  - (B) a person who is a dependent of a deceased victim or intervenor within the meaning of Section 152, Internal Revenue Code of 1954, as amended (26 U.S.C. Section 152); or
  - (C) a posthumous child of the deceased intervenor or victim.
- (6) "Financial stress" means financial hardship experienced by a claimant as a result of pecuniary loss from criminally injurious conduct giving rise to a claim under this Act. A claimant suffers financial stress only if he or she cannot maintain his or her customary level of health, safety, and education for himself or herself and his or her dependents without undue financial hardship. In making its finding the board shall consider all relevant factors, including:
  - (A) the number of the claimant's dependents;
  - (B) the usual living expenses of the claimant and his or her family;
  - (C) the special needs of the claimant and his or her dependents;
  - (D) the claimant's income and potential earning capacity; and
  - (E) the claimant's resources.
- (7) "Pecuniary loss" means the amount of expense reasonably and necessarily incurred:
  - (A) regarding personal injury for:
    - (i) medical, hospital, nursing, or psychiatric care or counseling, and physical therapy;
    - (ii) actual loss of past earnings and anticipated loss of future earnings because of a disability resulting from the personal injury at a rate not to exceed \$150 per week; and
    - (iii) care of minor children enabling a victim or his or her spouse, but not both of them, to continue gainful employment at a rate not to exceed \$30 per child per week up to a maximum of \$75 per week for any number of children; and
  - (B) as a consequence of death for:
    - (i) funeral and burial expenses;
    - (ii) loss of support to a dependent or dependents not otherwise compensated for as a pecuniary loss for personal injury, for as long as the dependence would have existed had the victim survived, at a rate of not more than a total of \$150 per week for all dependents; and
    - (iii) care of minor children enabling the surviving spouse of a victim to engage in lawful employment, where that expense is not otherwise compensated for as a pecuniary loss for personal injury, at a rate not to exceed \$30 per week per child, up to a maximum of \$75 per week for any number of children.
  - (C) Pecuniary loss does not include loss attributable to pain and suffering.
- (8) "Intervenor" means a person who goes to the aid of another and is killed or injured in the good faith effort to prevent criminally injurious conduct, to apprehend a person reasonably suspected of having engaged in such conduct,

or to aid a police officer. Intervenor does not include a peace officer, fireman, lifeguard, or person whose employment includes the duty to protect the public safety acting within the course and scope of his or her employment.

(9) "Victim" means:

(A) a person who is a Texas resident at the time of the crime and who suffers personal injury or death as a result of criminally injurious conduct;

(B) an intervenor;

(C) a dependent of a deceased victim; and

(D) in the event of a death, a person who legally assumes the obligation or who voluntarily pays the medical or burial expenses incurred as a direct result of the crime.

(10) "Crime of violence" means any offense defined in the Penal Code that results in personal injury to a resident of this state. No act involving the operation of a motor vehicle, aircraft, or water vehicle that results in injury or death constitutes a crime of violence for the purposes of this Act, except that a crime of violence includes injury or death intentionally inflicted through the use of a motor vehicle, aircraft, or water vehicle, or injury or death sustained in an accident caused by a driver in violation of Section 38, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), or Article 6701I-1 or 6701I-2, Revised Civil Statutes of Texas, 1925, as amended.

SECTION 4. APPLICATION. (a) An applicant shall apply in writing in a form that conforms substantially to that prescribed by the board.

(b) No claimant may file an application unless the victim reports the crime to the appropriate state or local public safety or law enforcement agency within 72 hours after the crime is committed or within a longer period that is justified by extraordinary circumstances as determined by the board.

(c) A claimant may file an application within 180 days after the date of the crime, except that the board may extend the time for filing for good cause shown by the claimant.

(d) The application shall be verified and shall contain the following:

(1) a description of the date, nature, and circumstances of the criminally injurious conduct;

(2) a complete financial statement, including the cost of medical care or burial expenses and the loss of wages or support the claimant has incurred or will incur and the extent to which the claimant has been indemnified for these expenses from any collateral source;

(3) when appropriate, a statement indicating the extent of any disability resulting from the injury incurred;

(4) an authorization permitting the attorney general to verify the contents of the application; and

(5) other information as the board may require.

SECTION 5. REVIEW, VERIFICATION, HEARING. (a) The board shall appoint a clerk to review all applications for assistance made by claimants under Section 4 of this Act in order to ensure that they are complete. If an application is not complete, the clerk shall return it to the claimant with a brief statement of the additional information required. Within 30 days after receiving the returned application, the claimant may either supply the additional information or appeal the action to the board, which shall review the application to determine whether or not it is complete.

(b) Immediately on receipt of the application, the board shall send a copy of the application and all pertinent documents to the attorney general. The attorney general may investigate the application, appear in hearings on the application, and present evidence supporting or opposing approval of the application.

(c) The board shall appoint one of its members to determine whether a hearing is necessary. If the member determines that a hearing is not necessary, he or she may approve the application in accordance with the provisions of Section 6 of this Act. If the member determines that a hearing is necessary, or if the attorney general or the claimant requests a hearing, the board shall then consider the application at a hearing at a time and place of its choosing. The board shall notify all interested persons, including the attorney general, not less than 10 days prior to the date of the hearing.

(d) At the hearing the board shall:

(1) review the application for assistance and the report prepared by the attorney general and any other evidence obtained as a result of his or her investigation; and

(2) receive other evidence that the board finds necessary or desirable to evaluate the application properly.

(e) Incident to its review, verification, and hearing duties under this Act, the board shall have the following powers:

(1) to request from prosecuting attorneys and law enforcement officers investigations and data to enable the board to determine whether and the extent to which a claimant qualifies for an award;

(2) the powers given to the board under Section 4, Article 8307, Revised Civil Statutes of Texas, 1925, as amended (Article 8307, Vernon's Texas Civil Statutes), except as modified by this Act; and

(3) if the mental, physical, or emotional condition of a victim is material to a claim, to order the victim to submit to a mental or physical examination by a physician or psychologist and to order an autopsy of a deceased victim. The order may be made for good cause shown upon notice to the person to be examined and to all persons who have appeared. The order shall specify the time, place, manner, conditions, and scope of the examination or autopsy and the person by whom it is to be made and shall require that person to file with the board a detailed written report of the examination or autopsy. The report shall set out his or her findings, including results of all tests made, diagnoses, prognoses, and other conclusions and reports of earlier examinations of the same conditions. The physician or psychologist shall be compensated from funds appropriated for the administration of this Act.

(f) On request of the person examined, the board shall furnish him or her a copy of the report. If the victim is deceased, the board, on request, shall furnish the claimant a copy of the report.

**SECTION 6. APPROVAL OR REJECTION OF CLAIM.** (a) The board shall award compensation for pecuniary loss arising from criminally injurious conduct if satisfied by a preponderance of the evidence that the requirements set forth in this Act have been met.

(b) The board shall establish that as a direct result of criminally injurious conduct the victim suffered physical injury or death that resulted in a pecuniary loss which the victim is unable to recoup without suffering financial stress and for which he or she is not compensated from any collateral source.

(c) The board shall deny the application if:

(1) the criminally injurious conduct is not reported or the application is not made in the manner specified in Section 4 of this Act;

(2) the victim or person whose injury or death gives rise to the application knowingly and willingly participated in the criminally injurious conduct;

(3) the claimant will not suffer financial stress as a result of the pecuniary loss arising out of criminally injurious conduct; or

(4) the victim resided in the same household as the offender or his or her accomplice.

(d) The board may deny or reduce an award otherwise payable:

(1) if the victim has not substantially cooperated with appropriate law enforcement agencies;

(2) if the behavior of the victim at the time of the act or omission giving rise to the claim was such that he or she bears a share of the responsibility for the act or omission; or

(3) to the extent that pecuniary loss is recouped from other persons, including collateral sources.

SECTION 7. TYPES OF ASSISTANCE; AWARDS. (a) If an application for compensation is approved under Section 6 of this Act, the board shall determine what type of state assistance will best aid the claimant. The board may take any or all of the following actions:

(1) authorize cash payment or payments to or on behalf of the claimant for pecuniary loss as defined in Subdivision (7), Section 3 of this Act;

(2) refer the claimant to a state agency for vocational or other rehabilitative services; and

(3) provide counseling services for victims or contract with private entities to provide these services.

(b) Awards payable to a victim and all other claimants sustaining pecuniary loss because of injury or death of that victim may not exceed \$50,000 in the aggregate.

(c) The board may provide for the payment of an award in a lump sum or in installments. The part of an award equal to the amount of pecuniary loss accrued to the date of the award shall be paid in a lump sum. An award for allowable expense that would accrue after the award is made may not be paid in a lump sum. Except as provided in Subsection (d) of this section, the part of an award that may not be paid in a lump sum shall be paid in installments.

(d) At the instance of the claimant, the board may compute future pecuniary loss to a lump sum but only upon a finding by the board that:

(1) the award in a lump sum will promote the interests of the claimant; or

(2) the present value of all future pecuniary loss does not exceed \$1,000.

(e) An award for future pecuniary loss payable in installments may be made only for a period as to which the board can reasonably determine future pecuniary loss.

(f) An award is not subject to execution, attachment, garnishment, or other process, except that an award is not exempt from a claim of a creditor to the extent that he or she provided products, services, or accommodations, the costs of which are included in the award.

(g) An assignment or agreement to assign a right to reparations for loss accruing in the future is unenforceable except:

(1) an assignment of a right to reparations for work loss to secure payment of alimony, maintenance, or child support; or

(2) an assignment of a right to reparations to the extent that the benefits are for the cost of products, services, or accommodations necessitated by the injury or death on which the claim is based and are provided or to be provided by the assignee.

SECTION 8. EMERGENCY AWARD. If prior to taking action on an application it appears likely that a final award will be made and that the claimant will suffer undue hardship if immediate economic relief is not had, the board or board member may make an emergency award in an amount not to exceed \$1,500. The amount paid shall be deducted from the final award or repaid by and recoverable from the claimant to the extent that it exceeds the final award.

SECTION 9. RECONSIDERATION; JUDICIAL REVIEW. (a) The board on its own motion or on request of the claimant may reconsider a decision

making or denying an award or determining its amount. The board shall reconsider at least annually every award being paid in installments. An order on reconsideration of an award shall not require refund of amounts previously paid unless the award was obtained by fraud.

(b) The right of reconsideration does not affect the finality of a board decision for the purpose of judicial review.

(c) Within 20 days after the rendition of a final ruling and decision by the board, the claimant or the attorney general may file with the board notice of dissatisfaction with the final ruling and decision. The dissatisfied party shall within 20 days after giving the notice bring suit in the district court having jurisdiction in the county where the injury or death occurred or the county where the victim resided at the time the death or injury occurred, and the board shall provide for the suspension of payments to a claimant and may not reconsider an award during the pendency of an appeal of the ruling and decision on that claim. The court shall determine the issues in the cause by trial de novo, and the burden of proof is on the claimant. In computing the 20 days for filing a notice of dissatisfaction or the 20 days to bring suit, if the last day is a legal holiday or Sunday, the last day shall not be counted, and the time shall be extended to include the next business day.

SECTION 10. RULES AND REGULATIONS; NOTICE OF PROVISIONS OF ACT. (a) The board shall promulgate and adopt rules consistent with this Act governing its administration, including rules relating to the method of filing claims and the proof of entitlement to compensation. Sections 1 through 12 of the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes), except Sections 4(a)(3) and 4(b), apply to the board. Sections 13 through 20 of that Act do not apply to the board or its orders and decisions.

(b) The board may appoint hearing officers to conduct hearings or prehearing conferences under this Act when hearings or prehearing conferences are necessary to determine eligibility for compensation.

(c) When hearings or prehearing conferences are conducted, they shall be open to the public unless in a particular case the hearing officer or board determines that the hearing or prehearing conference or a part of it should be held in private because a criminal suspect has not been apprehended or because it is in the interest of the claimant.

(d) The board may suspend the proceedings pending disposition of a criminal prosecution that has been commenced or is imminent, but may make an emergency award under Section 8 of this Act.

(e) Every hospital licensed under the laws of this state shall display prominently in its emergency room posters giving notification of the existence and general provisions of this Act. The board shall set standards for the location of the display and shall provide posters, application forms, and general information regarding this Act to each hospital and physician licensed to practice in the State of Texas.

(f) Every local law enforcement agency shall inform victims of criminally injurious conduct of the provisions of this Act and provide application forms to victims who desire to seek assistance. The board shall provide application forms and all other documents that local law enforcement agencies may require to comply with this section. The attorney general shall set standards to be followed by local law enforcement agencies for this purpose and may require them to file with him or her a description of the procedures adopted by each agency to comply.

SECTION 11. SUBROGATION; NOTICE OF PRIVATE ACTION.

(a) If compensation is awarded, the state is subrogated to all the claimant's

rights to receive or recover benefits for pecuniary loss to the extent compensation is awarded from a source which is, or if readily available to the claimant would be, a collateral source.

(b) Before a claimant may bring an action to recover damages related to criminally injurious conduct for which compensation is claimed or awarded, the claimant must give the board prior written notice of the proposed action. After receiving the notice, the board shall promptly:

- (1) join in the action as a party plaintiff to recover reparations awarded;
- (2) require the claimant to bring the action in his or her individual name as a trustee in behalf of the state to recover reparations awarded; or
- (3) reserve its rights and do neither in the proposed action.

(c) If, as requested by the board under Subsection (b) of this section, the claimant brings the action as trustee and recovers compensation awarded by the board, he or she may deduct from the reparations recovered in behalf of the state the reasonable expenses of the suit, including attorney's fees, expended in pursuing the recovery for the state. The claimant shall justify this deduction in writing to the board on a form provided by the board.

**SECTION 12. ATTORNEY'S FEES.** As part of an order, the board shall determine and award reasonable attorney's fees, commensurate with services rendered, to be paid by the state to the attorney representing the claimant. Additional attorney's fees may be awarded by a court in the event of review. Attorney's fees may be denied on a finding that the claim or appeal is frivolous. Awards of attorney's fees shall be in addition to awards of compensation. It is unlawful for an attorney to contract for or receive any larger sum than the amount allowed. Attorney's fees may not be paid to an attorney of a claimant unless an award is made to the claimant.

**SECTION 13. ANNUAL REPORT.** The board shall prepare and transmit annually to the governor and the legislature a report of its activities, including a statistical summary of claims and awards made and denied. The report shall be based on the state fiscal year and shall be filed not more than 30 days after the end of each fiscal year.

**SECTION 14. FUND.** (a) The compensation to victims of crime fund is created in the state treasury to be used by the board for the payment of compensation to claimants under this Act and other expenses in administering this Act. The board shall make no payments which exceed the amount of money in the fund. No general revenues may be used for payments under this Act.

(b) A person shall pay \$15 as a court cost, in addition to other court costs, on conviction of any felony and shall pay \$10 as a court cost, in addition to other court costs, on conviction of a misdemeanor punishable by imprisonment or by a fine of more than \$200.

(c) Court costs under this section are collected in the same manner as other fines or costs.

(d) The officer collecting the costs in a municipal court case shall keep separate records of the funds collected as costs under this section and shall deposit the funds in the municipal treasury. The officer collecting the costs in a justice, county, or district court case shall keep separate records of the funds collected as costs under this section, and shall deposit the funds in the county treasury.

(e) The custodian of a municipal or county treasury shall keep records of the amount of funds on deposit collected under this section and shall remit to the comptroller of public accounts before the 10th day of each month the funds collected under this section during the preceding month. The city and the county may retain five percent of the funds collected under this section as a collection fee.

(f) The comptroller of public accounts shall deposit the funds received by him or her under this section in the compensation to victims of crime fund.

(g) If application is made, and an award granted for which no funds, or insufficient funds, are available, the board shall establish a waiting list of qualified claimants, with payment to be made when funds become available.

**SECTION 15. IMPOSITION OF FINE FOR CRIME CAUSING PHYSICAL INJURY OR DEATH.** If a person is convicted of a crime of violence and if the court finds that the defendant has the present ability to pay a fine and finds that the economic impact of the fine on the defendant's dependents will not cause them to be dependent on public welfare, the court shall, in addition to any other penalty, order the defendant to pay a fine commensurate with the offense committed and with the probable economic impact on the victim but not to exceed \$10,000. The fine shall be deposited in the compensation to victims of crime fund.

**SECTION 16. EFFECTIVE DATE.** Sections 1 through 13 of this Act take effect January 1, 1980. The board may not award reparations for economic loss arising from criminally injurious conduct that occurred before that date. Sections 14 and 15 of this Act take effect September 1, 1979.

**SECTION 17. EMERGENCY.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

**Amendment No. 1 - Blythe**

Amend committee substitute for SB 21, page 17, line 6 by striking the word "grated" and substituting the word "granted".

**Amendment No. 2 - Maloney**

Amend CSSB 21 by deleting Section 15 on page 17 in its entirety and renumbering all following sections accordingly.

**Amendment No. 3 - Waters**

Amend H.C.S.S.B. No. 21 by renumbering Section 17 as Section 20 and adding new Sections 17, 18, and 19 to read as follows:

**SECTION 17. ESCROW ACCOUNT.** Every firm, person, corporation, association, or other legal entity contracting with a person or the representative or assignee of any person, accused or convicted of crime in this state, with respect to the reenactment of the crime in a movie, book, magazine article, tape recording, phonograph record, radio or television presentation, live entertainment, or from the expression of the accused or convicted person's thoughts, feelings, opinions, or emotions regarding the crime shall submit a copy of the contract to the board and pay to the board any moneys that would otherwise, by terms of the contract, be owing to the accused or convicted person or his representatives. The board shall deposit the money in an escrow account.

**SECTION 18. FUNDS AVAILABLE TO VICTIM.** Money placed in an escrow account is available to satisfy a judgment against the accused or convicted person in favor of a victim of the crime if the court in which the judgment is taken finds that the judgment is for damages incurred by the victim caused by the commission of the crime.

**SECTION 19. MAINTENANCE OF ESCROW ACCOUNT.** The board shall pay money in an escrow account to the accused person if he is acquitted of

the crime. The board shall pay the money in the account to the accused or convicted person if five years elapse from the date when the account was established and the money has not been ordered paid to a victim in satisfaction of a judgment.

The amendments were read.

Senator Clower moved to concur in House amendments.

The motion prevailed.

### **SENATE BILL 491 WITH HOUSE AMENDMENTS**

Senator Parker called **S.B. 491** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1 - Clark

Amend S.B. No. 491 by adding after "(Chapter 61 of this code)" in added Subsection (b) of Section 62.0631 on page 1 "or under Subchapter C, Chapter 64, of this code".

Committee Amendment No. 2 - Agnich

Amend **S.B. 491**, on page 1, lines 7-9, by striking all of subsection (a) of Section 62.0631 SEA RIM STATE PARK, and substituting a new subsection (a) to read as follows:

Section 62.0631 SEA RIM STATE PARK. (a) The commission may provide, as sound biological management practices warrant, an open season for recreational hunting in Sea Rim State Park.

The amendments were read.

Senator Parker moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 491** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Parker, Chairman; Short, Brooks, Williams and McKnight.

### **HOUSE CONCURRENT RESOLUTION 184**

The President laid before the Senate the following resolution:

**H.C.R. 184**, Congratulating Speaker of the House Bill Clayton on being named Distinguished Alumnus of the Year by Texas A&M University.



The resolution was read.

On motion of Senator Moore and by unanimous consent, the resolution was considered immediately and was adopted.

### PRESENTATION OF GUEST

The President presented Speaker Bill Clayton to the Members of the Senate.

Speaker Clayton expressed his appreciation of this honor in brief remarks to the Senate.

### COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 7 ON SECOND READING

Senator Schwartz moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.J.R. 7.** To repeal and prohibit all state ad valorem taxes on any property within this State by amending Article VIII, Section 1-e; amending Article VII, Section 17 to establish the State Higher Education Assistance Fund, and amending Article VII, Section 18 relating to the Permanent University Fund.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Andujar, Braecklein, Clower, Creighton, Farabee, Harris, Jones of Harris, Kothmann, McKnight, Meier, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Traeger, Truan, Vale, Williams.

Nays: Blake, Brooks, Doggett, Howard, Jones of Taylor, Longoria, Mauzy, Mengden, Short, Snelson.

The resolution was read second time.

On motion of Senator Schwartz and by unanimous consent, Mrs. Sis Meyers was granted permission to sit at Senator Schwartz's desk during debate of the resolution.

Senator Schwartz offered the following amendment to the bill:

Amend C.S.S.J.R. No. 7 by striking all below the resolving clause and substituting the following:

SECTION 1. That Article VIII, Section 1-e, of the Texas Constitution be amended to read as follows:

Sec. 1-e. 1. ~~No [From and after December 31, 1978, no] State ad valorem taxes shall be levied upon any property within this State after December 31, 1979 [for State purposes except the tax levied by Article VII, Section 17, for certain institutions of higher learning].~~

2. All receipts from previously authorized State ad valorem taxes for the years beginning January 1, 1978, and January 1, 1979, and delinquent taxes received for those years and prior years shall be deposited in the State Higher Education Assistance Fund. If any of these funds are used by eligible institutions of higher education prior to the effective date of the 1979 amendment of this section, the amount used shall be deducted from that institution's allocation for the fiscal year 1979 under the provisions of Article VII, Section 17, of the Texas

Constitution. If the funds used exceed the amount of the allocation for the fiscal year beginning September 1, 1979, the excess shall be deducted from the institution's allocation for fiscal year beginning September 1, 1980. ~~[The State ad valorem tax authorized by Article VII, Section 3, of this Constitution shall be imposed at the following rates on each One Hundred Dollars (\$100.00) valuation for the years 1968 through 1974: On January 1, 1968, Thirty five Cents (35¢); on January 1, 1969, Thirty Cents (30¢); on January 1, 1970, Twenty five Cents (25¢); on January 1, 1971, Twenty Cents (20¢); on January 1, 1972, Fifteen Cents (15¢); on January 1, 1973, Ten Cents (10¢); on January 1, 1974, Five Cents (5¢); and thereafter no such tax for school purposes shall be levied and collected. An amount sufficient to provide free text books for the use of children attending the public free schools of this State shall be set aside from any revenues deposited in the Available School Fund, provided, however, that should such funds be insufficient, the deficit may be met by appropriation from the general funds of the State.]~~

~~[3. The State ad valorem tax of Two Cents (2¢) on the One Hundred Dollars valuation levied by Article VII, Section 17, of this Constitution shall not be levied after December 31, 1976. At any time prior to December 31, 1976, the Legislature may establish a trust fund solely for the benefit of the widows of Confederate veterans and such Texas Rangers and their widows as are eligible for retirement or disability pensions under the provisions of Article XVI, Section 66, of this Constitution, and after such fund is established the ad valorem tax levied by Article VII, Section 17, shall not thereafter be levied.]~~

~~[4. Unless otherwise provided by the Legislature, after December 31, 1976 all delinquent State ad valorem taxes together with penalties and interest thereon, less lawful costs of collection, shall be used to secure bonds issued for permanent improvements at institutions of higher learning, as authorized by Article VII, Section 17, of this Constitution.]~~

~~3. [5.]~~ The fees paid by the State for both assessing and collecting State ad valorem taxes shall not exceed two per cent (2%) of the State taxes collected. This subsection shall be self-executing.

SECTION 2. That Article VII, Section 17, of the Texas Constitution be amended to read as follows:

Sec. 17. (a) The State Higher Education Assistance Fund is hereby created as a special fund in the State Treasury for the benefit of free-standing degree-granting general academic institutions created by the Legislature with governing boards that do not participate in the Permanent University Fund under Section 18 of this Article.

(b) The state ad valorem taxes collected for the year beginning January 1, 1978, and deposited in the State Higher Education Assistance Fund shall be appropriated for the fiscal year beginning September 1, 1979. The state ad valorem taxes collected for the year beginning January 1, 1979, and deposited in the State Higher Education Assistance Fund shall be appropriated for the fiscal year beginning September 1, 1980. Commencing with the fiscal year beginning September 1, 1981, and for each fiscal year thereafter, the Legislature shall appropriate from the General Revenue Fund to the State Higher Education Assistance Fund an amount equal to not less than six per cent (6%) of the total amount generated by formula items for state-supported senior colleges and universities as contained in the legislative appropriation for those items. In the event the appropriated amount exceeds the allocation as determined by the Legislature or its designated agency, any excess shall revert to the General Revenue Fund.

(c) The eligible colleges and universities shall use allocations for acquiring land either with or without permanent improvements, for constructing and

equipping permanent improvements, for major repair and rehabilitation of existing physical facilities, and for other purposes as provided by law. Allocations from the State Higher Education Assistance Fund shall be used only for educational and general purposes and none of the allocation shall be used for auxiliary enterprises.

(d) The Legislature or an agency designated by the Legislature shall allocate the State Higher Education Assistance Fund by a formula that allocates seventy-five per cent (75%) of the fund on the basis of student enrollment and twenty-five per cent (25%) on the basis of space needs.

(e) Except as otherwise provided by this subsection, an institution that benefits from the State Higher Education Assistance Fund may not receive General Revenue Funds for acquiring land either with or without permanent improvements, for constructing or equipping permanent improvements, for major repair or rehabilitation of existing physical facilities, or for any other purpose for which the institution is allowed by law to use State Higher Education Assistance Fund allocations. In case of fire or natural disaster, an appropriation in an amount sufficient to replace the uninsured loss may be made by the Legislature. This subsection does not apply to legislative appropriations made prior to the adoption of the 1979 amendment to this Section. The State Comptroller of Public Accounts and the State Treasurer shall do all things necessary to effectuate this Section. This Section does not impair any obligation created by the issuance of bonds or notes under prior law, and all outstanding bonds and notes shall be paid in full, both principal and interest, in accordance with their terms.

SECTION 3. That Article VII, Section 18, of the Texas Constitution be amended to read as follows:

Sec. 18. (a) The board of regents of The Texas A & M University System may issue bonds and notes not to exceed a total cumulative amount of 10 percent of the cost value of the investments and other assets of the Permanent University Fund (exclusive of real estate) at the time of the issuance thereof, and may pledge all or any part of its one-third interest in the Available University Fund to secure the payment of the principal and interest of those bonds and notes, for the purpose of acquiring land either with or without permanent improvements, constructing, equipping, repairing, or rehabilitating buildings or other permanent improvements, acquiring educational capital equipment and library books and library materials, and refunding bonds or notes issued under this Section or prior law, at or for The Texas A & M University System and the following component institutions of the system:

- (1) Texas A & M University at College Station;
- (2) Tarleton State University at Stephenville;
- (3) Prairie View A & M University at Prairie View;
- (4) Texas A & M University at Galveston;
- (5) Texas Forest Service;
- (6) Texas Agricultural Experiment Stations;
- (7) Texas Agricultural Extension Service;
- (8) Texas Engineering Experiment Stations; and
- (9) Texas Engineering Extension Service.

(b) The board of regents of The University of Texas System may issue bonds and notes not to exceed a total cumulative amount of 20 percent of the cost value of investments and other assets of the Permanent University Fund (exclusive of real estate) at the time of issuance, and may pledge all or any part of its two-thirds interest in the Available University Fund to secure the payment of the principal and interest of those bonds and notes, for the purpose of acquiring land either with or without permanent improvements, constructing,

equipping, repairing, or rehabilitating buildings or other permanent improvements, acquiring educational capital equipment and library books and library materials, and refunding bonds or notes issued under this Section or prior law, at or for The University of Texas System administration and the following component institutions of the system:

- (1) The University of Texas at Arlington;
- (2) The University of Texas at Austin;
- (3) The University of Texas at Dallas;
- (4) The University of Texas at El Paso;
- (5) The University of Texas of the Permian Basin;
- (6) The University of Texas at San Antonio;
- (7) The University of Texas at Tyler;
- (8) The University of Texas Health Science Center at Dallas;
- (9) The University of Texas Medical Branch at Galveston;
- (10) The University of Texas Health Science Center at Houston;
- (11) The University of Texas Health Science Center at San Antonio;
- (12) The University of Texas System Cancer Center; and
- (13) The University of Texas Health Center at Tyler; and
- (14) The University of Texas Institute of Texan Cultures at San Antonio.

(c) Without the prior approval of the Legislature or an agency authorized by the Legislature to grant the approval, the proceeds of the bonds or notes issued under Subsection (a) or (b) of this Section may not be used for the purpose of constructing, equipping, repairing, or rehabilitating buildings or other permanent improvements that are to be used for student housing or intercollegiate athletics.

(d) The Available University Fund consists of the dividends, interest, and other income, less administrative expense, of the Permanent University Fund, exclusive of net income attributable to surface leases of Permanent University Fund land. Out of one-third of the Available University Fund, there shall be appropriated an annual sum sufficient to pay the principal and interest due on the bonds and notes issued by the board of regents of The Texas A & M University System under this Section and prior law, and the remainder of that one-third of the Available University Fund shall be appropriated for the support and maintenance of Texas A & M University at College Station and The Texas A & M University System administration. Out of the other two-thirds of the Available University Fund, there shall be appropriated an annual sum sufficient to pay the principal and interest due on the bonds and notes issued by the board of regents of The University of Texas System under this Section and prior law, and the remainder of such two-thirds of the Available University Fund, plus the income, less administrative expense, from surface leases of Permanent University Fund land, shall be appropriated for the support and maintenance of The University of Texas at Austin and The University of Texas System administration.

(e) The bonds and notes issued under this Section shall be payable solely out of the Available University Fund, mature serially or otherwise in not more than 30 years from their respective dates, and be sold only through competitive bidding. All of these bonds and notes are subject to approval by the Attorney General and when so approved are incontestable. The Permanent University Fund may be invested in these bonds and notes.

(f) Other than the appropriations required in this Section from the Available University Fund, the State systems and institutions of higher education designated in this Section may not receive any funds from the State Treasury for acquiring land with or without permanent improvements or for constructing, equipping, repairing, or rehabilitating buildings or other permanent

improvements, except that in the case of fire or natural disaster the Legislature may appropriate from the State Treasury an amount sufficient to replace any uninsured loss so incurred. This subsection does not apply to legislative appropriations made prior to the adoption of this amendment.

(g) This Section shall be self-enacting upon the issuance of the Governor's proclamation declaring the adoption of this Amendment, and the State Comptroller of Public Accounts and State Treasurer shall do all things necessary to effectuate this Section. This Section does not impair any obligation created by the issuance of any bonds in accordance with prior law, and all outstanding bonds and notes shall be paid in full, both principal and interest, in accordance with their terms. Any provision of the Texas Constitution in conflict with this Section is hereby repealed to the extent of such conflict.

SECTION 4. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 6, 1979. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to repeal and prohibit all state ad valorem taxes on any property within this state, to amend Article VII, Section 17, to establish the State Higher Education Assistance Fund, and to amend Article VII, Section 18, of the Texas Constitution relating to the Permanent University Fund."

SCHWARTZ  
VALE

The amendment was read.

Senator Vale offered the following amendment to the pending amendment:

Amend Amendment No. 1 by Amending SECTION 2 Sec. 17 (c)

(c) The eligible colleges and universities shall use allocations for acquiring land either with or without permanent improvements, for constructing and equipping permanent improvements, for repair and rehabilitation of existing physical facilities, and for other purposes as provided by law. Allocations from the State Higher Education Assistance Fund shall be used only for educational and general purposes and none of the allocation shall be used for auxiliary enterprises.

The amendment to the pending amendment was read and was adopted.

Senator Vale offered the following amendment to the pending amendment:

Amend Amendment No. 1 by amending SECTION 3 Sec. 18 (f)

(f) Other than the appropriations required in this Section from the Available University Fund, the State systems and institutions of higher education designated in this Section may not receive any funds from the State Treasury for acquiring land with or without permanent improvements, for constructing or equipping permanent improvements, or for major rehabilitation or repair of existing permanent improvements, except that in the case of fire or natural disaster the Legislature may appropriate from the State Treasury an amount sufficient to replace any uninsured loss so incurred. This subsection does not apply to legislative appropriations made prior to the adoption of this amendment.

The amendment to the pending amendment was read and was adopted.

Senator Mauzy offered the following amendment to the pending amendment:

Amend Amendment No. 1 to **C.S.S.J.R. 7** by

Amending Sec. 1-e, (2), Section 1 of **C.S.S.J.R. 7** by striking the words "State Higher Education Assistance Fund. If any of these funds are used by eligible institutions of higher education prior to the adoption of this Amendment, the amount used shall be deducted from that institution's allocation for the fiscal year 1979 under the provisions of this amendment. If the funds used exceed the amount of the allocation for fiscal year beginning September 1, 1979, the excess shall be deducted from the institution's allocation for fiscal year beginning September 1, 1980." and placing in lieu thereof the words "State Treasury to be subject to appropriation by the Legislature."

The amendment to the pending amendment was read.

On motion of Senator Schwartz the amendment to the pending amendment was tabled by the following vote: Yeas 27, Nays 3.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Taylor, Kothmann, Longoria, McKnight, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Jones of Harris, Mauzy, Mengden.

Absent: Meier.

Senator Mauzy offered the following amendment to the pending amendment:

Amend Amendment No. 1 to **C.S.S.J.R. 7** by amending Section 2 of **C.S.S.J.R. 7** by placing a period "." after the word "entirety." and striking all words of Section 2 which appear after that period " "

The amendment to the pending amendment was read and failed of adoption by the following vote: Yeas 4, Nays 27.

Yeas: Jones of Harris, Jones of Taylor, Mauzy, Mengden.

Nays: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Kothmann, Longoria, McKnight, Meier, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

#### **CONSIDERATION OF COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 7 POSTPONED**

On motion of Senator Jones of Taylor and by unanimous consent, consideration of **C.S.S.J.R. 7** was postponed until after consideration of nominations of the Governor on Thursday, May 3, 1979.

Question - Shall the pending amendment by Senator Schwartz be adopted?

### PRESENTATION OF GUESTS

The President recognized Senator Kothmann who presented to the Members of the Senate former Members of the House Maury Maverick and D. B. Hardeman.

(Senator Jones of Taylor in Chair)

### COMMITTEE SUBSTITUTE SENATE BILL 951 ON SECOND READING

Senator Traeger moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 951**, Relating to inclusion of certain utility property in public utility ratemaking.

The motion prevailed by the following vote: Yeas 22, Nays 8.

Yeas: Andujar, Blake, Braecklein, Brooks, Creighton, Harris, Howard, Jones of Taylor, Kothmann, Longoria, McKnight, Mengden, Moore, Ogg, Parker, Patman, Price, Short, Snelson, Traeger, Vale, Williams.

Nays: Clower, Doggett, Farabee, Jones of Harris, Mauzy, Santiesteban, Schwartz, Truan.

Absent: Meier.

The bill was read second time and was passed to engrossment.

### RECORD OF VOTES

Senators Doggett, Mauzy, Clower and Truan asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

### COMMITTEE SUBSTITUTE SENATE BILL 951 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 951** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Andujar, Blake, Braecklein, Brooks, Creighton, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Clower, Doggett, Mauzy, Truan.

Absent: Meier.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 7.

Yeas: Andujar, Blake, Braecklein, Brooks, Creighton, Harris, Howard, Jones of Taylor, Kothmann, Longoria, McKnight, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Short, Snelson, Traeger, Vale, Williams.

Nays: Clower, Doggett, Farabee, Jones of Harris, Mauzy, Schwartz, Truan.

Absent: Meier.

#### **SENATE BILL 886 ON THIRD READING**

Senator Andujar moved to suspend the regular order of business to take up on its third reading and final passage:

**S.B. 886**, Relating to the offense of interference with child custody.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Andujar, Blake, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, McKnight, Meier, Mengden, Moore, Ogg, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Williams.

Nays: Braecklein, Brooks, Clower, Creighton, Doggett, Mauzy, Parker, Patman, Truan, Vale.

Absent: Longoria.

(President in Chair)

The bill was read third time and was passed by the following vote: Yeas 17, Nays 13.

Yeas: Andujar, Blake, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, McKnight, Meier, Mengden, Moore, Ogg, Price, Santiesteban, Snelson, Traeger, Williams.

Nays: Braecklein, Brooks, Clower, Creighton, Doggett, Kothmann, Mauzy, Parker, Patman, Schwartz, Short, Truan, Vale.

Absent: Longoria.

#### **HOUSE BILL 244 ON SECOND READING**

Senator Santiesteban asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**H.B. 244**, A bill to be entitled An Act relating to the obligations and liability of parents and others for the conduct of certain children and the authority of juvenile courts to make orders for the payment of certain fees and for the welfare of children.

There was objection.

Senator Santiesteban then moved to suspend the regular order of business and take up **H.B. 244** for consideration at this time.



The motion prevailed by the following vote: Yeas 25, Nays 3.

Yeas: Andujar, Blake, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Truan, Vale, Williams.

Nays: Braecklein, Clower, Mauzy.

Absent: Brooks, Longoria, Traeger.

The bill was read second time and was passed to third reading.

#### RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### HOUSE BILL 244 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 244** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Andujar, Blake, Braecklein, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Williams.

Nays: Clower, Mauzy, Patman, Vale.

Absent: Brooks.

The bill was read third time and was passed.

#### RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the final passage of the bill.

#### COMMITTEE SUBSTITUTE HOUSE BILL 304 ON SECOND READING

Senator Price asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**C.S.H.B. 304**, Relating to a family farm and ranch security program to encourage loans for farm and ranch real estate for qualified borrowers.

There was objection.

Senator Price then moved to suspend the regular order of business and take up **C.S.H.B. 304** for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Doggett, Farabee, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Creighton, Harris, Mauzy, McKnight, Mengden, Moore.

Absent: Meier.

The bill was read second time.

Senator Price offered the following amendment to the bill:

Amend C.S.H.B. No. 304 by striking Subsection (a) of Section 13 and substituting the following:

(a) The commissioner by order may provide for the issuance of negotiable farm and ranch loan security bonds in one or more installments and in an aggregate amount not to exceed \$10 million. The order entered shall describe the terms and conditions of the bonds.

The amendment was read and was adopted.

Senator Price offered the following amendment to the bill:

Amend C.S.H.B. No. 304 as follows:

- (1) On page 3, line 14, strike "one" and substitute "two".
- (2) On page 3, line 16, strike "three" and substitute "two".
- (3) On page 5, line 20, strike "applicaiion" and substitute "application".
- (4) On page 6, line 23, strike "If" and substitute "After".
- (5) On page 6, line 23, strike "approved" and substitute "reviewed".
- (6) On page 6, line 24, strike "shall" and substitute "may".
- (7) On page 7, line 11, strike "annally" and substitute "annually".
- (8) On page 7, line 15, strike "obligaiton" and substitute "obligation".

The amendment was read and was adopted.

Senator Price offered the following amendment to the bill:

Amend C.S.H.B. No. 304 by striking all above the enacting clause and substituting the following:

#### A BILL TO BE ENTITLED

#### AN ACT

relating to a family farm and ranch security program to encourage loans for farm and ranch real estate; authorizing the issuance of general obligation bonds of the state; and authorizing state guarantees of loans for farm and ranch real estate purchases.

The amendment was read and was adopted.

The bill as amended was passed to third reading.

### **RECORD OF VOTES**

Senators Mauzy and Mengden asked to be recorded as voting "Nay" on the passage of the bill to third reading.

### **COMMITTEE SUBSTITUTE HOUSE BILL 304 ON THIRD READING**

Senator Price moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 304** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Doggett, Farabee, Howard, Jones of Harris, Jones of Taylor, Kothmann, Meier, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Valc, Williams.

Nays: Creighton, Harris, Mauzy, McKnight, Mengden, Moore.

Absent: Longoria.

The bill was read third time and was passed.

### **RECORD OF VOTES**

Senators Mauzy, Mengden and Creighton asked to be recorded as voting "Nay" on the final passage of the bill.

### **MOTION RELATIVE TO LOCAL AND UNCONTESTED CALENDAR PROCEDURE**

Senator Jones of Harris made the following motion:

I move that the bills and resolutions listed on the Local and Uncontested Calendar be set as Special Order for 8:30 o'clock a.m. Thursday morning and considered in the order listed, with the understanding that a bill or resolution removed from the Calendar will not be considered. I further move that the Three-Day Rule be suspended with respect to bills on the Local and Uncontested Calendar that are engrossed on Thursday morning.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### **MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 195 ON SECOND READING**

Senator Truan moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 195**, Relating to bilingual education programs in public schools.

Question - Shall the regular order be suspended?

### **MOTION TO RECESS**

Senator Moore moved that the Senate take recess until 8:30 o'clock a.m. tomorrow.

The motion to recess was lost by the following vote: Yeas 14, Nays 17.

Yeas: Andujar, Blake, Braecklein, Creighton, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Mengden, Moore, Short, Snelson, Traeger.

Nays: Brooks, Clower, Doggett, Kothmann, Longoria, Mauzy, McKnight, Meier, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Truan, Vale, Williams.

### **COMMITTEE SUBSTITUTE SENATE BILL 195 ON SECOND READING**

The Senate resumed consideration of **C.S.S.B. 195** on its second reading and passage to engrossment.

Question - Shall the regular order be suspended?

The motion to suspend the regular order prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Braecklein, Brooks, Clower, Doggett, Jones of Harris, Kothmann, Longoria, Mauzy, McKnight, Meier, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Traeger, Truan, Vale, Williams.

Nays: Andujar, Blake, Creighton, Farabee, Harris, Howard, Jones of Taylor, Mengden, Moore, Snelson.

The bill was read second time.

### **CONSIDERATION OF COMMITTEE SUBSTITUTE SENATE BILL 195 POSTPONED**

On motion of Senator Truan and by unanimous consent, consideration of **C.S.S.B. 195** was postponed until 9:00 o'clock a.m., Friday, May 4, 1979.

Question - Shall **C.S.S.B. 195** be passed to engrossment?

### **MEMORIAL RESOLUTION**

**H.C.R. 77** - (Jones of Taylor): Memorial resolution for Mrs. Darling Ernestine Williams Davis.

### **WELCOME AND CONGRATULATORY RESOLUTIONS**

**S.R. 512** - By Parker: Extending congratulations to Elizabeth Pearl Manry.

**S.R. 513** - By Doggett: Extending welcome to Reverend I. J. Fontaine.

**S.R. 514** - By Traeger: Extending welcome to Mrs. Berta Puig, Mrs. Rosario Benivedez, Carmen Santos and Mrs. Mary Molina and their students from Lamar Junior High School.

### RECESS

On motion of Senator Moore the Senate at 12:55 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

### SIXTY-SECOND DAY

(Continued)  
(Thursday, May 3, 1979)

### AFTER RECESS

The Senate met at 8:30 o'clock a.m. and was called to order by Senator Jones of Harris.

### LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Jones of Harris in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of **S.R. 16**. (Bills having been set as Special Order and Constitutional Three-Day Rule suspended by vote of 31-0 on May 2, 1979.)

The following bills were laid before the Senate, read second time, amended (where applicable), passed to engrossment, read third time and passed. (Sponsor and vote on final passage indicated after caption of each bill. When amended, vote on final passage follows the amendment.)

**C.S.S.B. 371** (Short) Changing the name of Texas Tech University School of Medicine. (31-0)

**S.B. 451** (Santiesteban) Relating to corroboration of accomplice testimony in a juvenile proceeding. (vv)

**C.S.S.B. 662** (Ogg) Relating to metropolitan rapid transit authorities. (31-0)

**S.B. 685** (Short) Relating to administrative sanctions for alcoholic beverage retailers convicted of an anti-discrimination offense. (31-0)

**S.B. 709** (Traeger) Relating to directory assistance charges for telephone calls made from a hotel or motel. (vv)

**S.B. 710** (Truan) Relating to emergency ambulance service in certain counties. (31-0)

**S.B. 753** (Clower) Relating to the regulation of certain public utilities. (31-0)

**S.B. 763** (Blake) Amending the District and County Retirement System Law.

Senator Blake offered the following committee amendment to the bill:

Amend **S.B. 763** by adding after Section 2 of the bill a new section to be numbered Section 3, renumbering the sections of the bill following Section 2 to conform to insertion of the new Section, and which new Section 3 shall read as follows:

"Section 3. Paragraph (e) of Subsection 2 of Section III of Chapter 127, Acts of the Regular Session of the 60th Legislature, as amended, is amended to read as follows:

'(e) Membership in the System shall cease and terminate if:

'(1) A member is absent from service for sixty (60) consecutive months prior to accumulating sufficient creditable service to entitle the member [under Subsection 11(d)(8) of Section VI or Subsection 4 of Section VII] to a vested right to retirement, or prior to accumulating at least four (4) years of creditable service with one or more participating subdivisions that have adopted twelve-year vesting pursuant to Subsection 11(d)(8) of Section VI; and provided, however, that during the time the United States is at war, and for a period of twelve (12) months thereafter, time spent by a member of the System (1) on active duty in the Armed Forces Reserve of the United States and their auxiliaries and/or in the service of the American Red Cross as a result of having volunteered or having been drafted and/or conscripted thereinto; or (2) in war work as a direct result of having been drafted or conscripted by governmental action into said war work, shall not be construed as absent from service insofar as the provisions of this Act are concerned but shall count toward membership service. 'War' means declared or undeclared war or any conflict between the Armed Forces of the United States and any foreign armed forces.

'(2) A member's service in a participating subdivision is discontinued and the member withdraws his accumulated deposits, or

'(3) A member dies, or

'(4) A member becomes an annuitant.'"

The committee amendment was read and was adopted.

Senator Blake offered the following committee amendment to the bill:

Amend the caption of **S.B. 763** to conform with the amended body.

The committee amendment was read and was adopted. (31-0)

**S.B. 773** (Truan) Relating to establishment of a fiscal year by a home rule city to adapt to the Truth in Taxation Statute. (31-0)

**C.S.S.B. 785** (Mauzy) Relating to appointment and use of masters in the district courts of Dallas County. (31-0)

**S.B. 790** (Mauzy) Relating to the reprimanding of teachers or the suspension of teaching certificates by the State Commissioner of Education. (31-0)

**S.B. 792** (Ogg) Relating to the appointment and assignment of bailiffs and process servers to the criminal district courts of Harris County. (31-0)

**C.S.S.B. 799** (Brooks) Relating to the appointment of a managing conservator. (vv)

**S.B. 807** (Andujar) Authorizing the Board of Regents of the University of Texas System to acquire certain properties. (31-0)

**S.B. 815** (Andujar) Relating to the definition of "test year" for utility regulation. (31-0)

**S.B. 823** (Ogg) Relating to the payment of jurors. (31-0)

**C.S.S.B. 846** (Parker) Relating to certain assaults on judicial officers, witnesses or parties in a court proceeding, jurors or grand jurors. (vv)

**S.B. 849** (Parker) Relating to the manner of serving a subpoena. (31-0)

**S.B. 851** (Parker) Relating to the presence of the defendant in a criminal proceeding. (vv)

**S.B. 854** (Parker) Relating to admonitions to the defendant by the court before accepting a plea of guilty or nolo contendere. (vv)

**S.B. 855** (Parker) Relating to requested special charges in criminal cases. (vv)

**S.B. 856** (Parker) Relating to habeas corpus proceedings. (vv)

**S.B. 861** (Parker) Relating to notification of the Court of Criminal Appeals that its mandate has been carried out. (vv)

**S.B. 939** (Doggett) Relating to the regulation of ambulance service in certain counties. (31-0)

**C.S.S.B. 973** (Jones of Harris) Relating to regulation of genetic screening programs.

Senator Jones of Harris offered the following amendment to the bill:

Amend **C.S.S.B. 973** by adding the following language between the last word in Subsection (2) of Section 2. and the period: "excluding sickle cell anemia"

The amendment was read and was adopted.

Senator Jones of Harris offered the following amendment to the bill:

Amend **C.S.S.B. 973** by striking the words "sickle cell anemia" in Section 1. of the bill.

The amendment was read and was adopted.

On motion of Senator Jones of Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (vv)

**S.B. 1097** (Clower) Relating to applying for place on primary ballot.

Senator Clower offered the following committee amendment to the bill:

Amendment to **S.B. 1097** by adding the following at the end of subsection (c): "People filing for Party offices are specifically excluded from this filing date."

The committee amendment was read and was adopted.

On motion of Senator Clower and by unanimous consent, the caption of the bill was amended to conform to the body of the bill as amended. (31-0)

**S.B. 1101** (Schwartz) Relating to legal representation for Galveston County officials. (31-0)

**S.B. 1132** (Doggett) Relating to student fees at The University of Texas at Austin.

Senator Doggett offered the following committee amendment to the bill:

Amend SB 1132 as follows:

1. Substitute for the words "two thirds" at line 7, page 4 the words "a majority";
2. Delete the words "or cumulative increase," at line 14, page 4;
3. Substitute for the words "enrolled in the university" at lines 16-17, page 4, the words "or their duly elected student government";
4. Delete the last sentence in subsection (d) of Sec. 67.26 at lines 9 through 12 on page 4.

The committee amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)

**S.B. 1138** (Santiesteban) Relating to prisoner population in county jails. (31-0)

**S.B. 1156** (Brooks) Relating to governing boards of Texas School for Deaf and Texas School for Blind.

Senator Brooks offered the following amendment to the bill:

Amend S.B. No. 1156 on page 3 by striking lines 9-13 and substituting the following:

(b) Centralized services provided under Subsection (a) of this section shall be managed cooperatively by the State Board of Education, the Texas School for the Blind, and the Texas School for the Deaf.

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)

**S.B. 1158** (Brooks) Relating to the Texas School for the Deaf. (31-0)

**S.B. 1166** (Mengden) Relating to service retirement, disability, and death benefits for officers and employees of cities, towns and villages. (31-0)



**S.B. 1167** (Doggett) Relating to the authority of the Texas Youth Council to contract with and dispense money to Big Brothers/Big Sisters of America. (31-0)

**C.S.S.B. 1168** (Mauzy) Creating County Criminal Court of Appeals No. 2 of Dallas County. (vv)

**S.B. 1169** (Mauzy) Creating County Criminal Court No. 10 of Dallas County. (vv)

**S.B. 1170** (Mauzy) Creating County Criminal Court No. 9 of Dallas County. (vv)

**S.B. 1171** (Mauzy) Creating County Criminal Court No. 8 of Dallas County. (vv)

**S.B. 1188** (Traeger) Relating to the Wilson County Memorial Hospital District. (vv)

**C.S.S.B. 1196** (Schwartz) Relating to membership in the Texas County and District Retirement System. (31-0)

**S.B. 1222** (Short) Relating to creation of a dental advisory committee.

Senator Short offered the following committee amendment to the bill:

Amend Senate Bill No. 1222, lines 53 through 58, page 1, by deleting subsection (1) and substituting the following:

(1) the governor shall appoint four dentists and one dental hygienist licensed under the laws of this state, each of whom has engaged in the practice of dentistry or dental hygiene in this state for at least five years prior to appointment, three of whom are members of the Texas Dental Association, and one of whom is a member of the Gulf States Dental Association, and one of whom is a member of the Texas Dental Hygienists Association.

The committee amendment was read and was adopted.

Senator Short offered the following committee amendment to the bill:

Amend Senate Bill No. 1222 by adding the following subsection to Section 1:

“(e) A member of this advisory committee serves without compensation. A member is entitled to reimbursement for actual and necessary expenses incurred in performing the duties of the advisory committee.”

The committee amendment was read and was adopted.

Senator Short offered the following committee amendment to the bill:

Amend Senate Bill 1222 by inserting the following Sec. 2 and renumbering the remaining Sections:

“Sec. 2. APPLICATION OF SUNSET ACT. The advisory committee is subject to the Texas Sunset Act (Article 5429K, Vernon's Texas Civil Statutes). Unless the advisory committee is continued in existence as provided by that Act, the advisory committee is abolished and this Act expires effective September 1, 1985.”

The committee amendment was read and was adopted.

Senator Short offered the following committee amendment to the bill:

Amend **S.B. 1222**, Section 11, Subdivisions (5) and (6) of Subsection (a) on page two by deleting the words: "and who serves as an ex officio, nonvoting member"

The committee amendment was read and was adopted.

Senator Short offered the following amendment to the bill:

Amend Committee Amendment No. 1 to Senate Bill 1222 by adding "with the advice and consent of the senate" following "the governor" and before "shall appoint four dentists and"

The amendment was read and was adopted.

On motion of Senator Short and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)

**S.B. 1229** (Brooks) Relating to county purchases and the keeping of county inventories in Harris County. (31-0)

**S.B. 1231** (Longoria) Relating to the composition of the Fourth and Fifth Administrative Judicial Districts. (31-0)

**C.S.S.B. 1239** (Schwartz) Relating to the authority of a county to close a public beach for certain purposes. (31-0)

**S.B. 1242** (Short) Relating to compensation of the Judge of the 106th Judicial District. (31-0)

#### **AT EASE**

At 8:58 o'clock a.m. the Presiding Officer (Senator Jones of Harris in Chair) announced the Senate would stand At Ease Subject to the Call of the Chair.

#### **IN LEGISLATIVE SESSION**

The Presiding Officer (Senator Jones of Harris in Chair) called the Senate to order as in Legislative Session at 9:10 o'clock a.m.

**S.B. 1246** (Snelson) Relating to compensation of the Judge of the 109th Judicial District. (31-0)

**S.B. 1254** (McKnight) Making a supplemental appropriation to the Treasurer's office. (31-0)

**S.C.R. 36** (Mauzy) Directing the State Board of Education to undertake a statewide study of curriculum for public schools. (vv)

**S.C.R. 66** (Mauzy) Granting Coopers & Lybrand permission to sue the State of Texas. (vv)

**S.C.R. 77** (Meier) Granting Dahlstrom Corporation permission to sue the State of Texas. (vv)

**S.C.R. 78** (Meier) Granting Dahlstrom Corporation permission to sue the State of Texas. (vv)

**S.C.R. 79** (Meier) Granting Dahlstrom Corporation permission to sue the State of Texas. (vv)

**S.C.R. 80** (Meier) Granting Dahlstrom Corporation permission to sue the State of Texas. (vv)

**S.C.R. 81** (Meier) Granting Dahlstrom Corporation permission to sue the State of Texas. (vv)

**S.C.R. 82** (Meier) Granting Dahlstrom Corporation permission to sue the State of Texas. (vv)

**S.C.R. 83** (Meier) Granting Dahlstrom Corporation permission to sue the State of Texas. (vv)

**S.C.R. 54** (Brooks) Relating to recommendations of the Joint Advisory Committee on Educational Services to the Deaf. (vv)

**H.B. 23** (Jones of Harris) Relating to acquisition of errors and omissions policies by insurance agents. (31-0)

**C.S.H.B. 28** (Longoria) Relating to recovery of attorneys' fees in suits for collection of delinquent taxes of a municipal utility district. (31-0)

**H.B. 226** (Andujar) Relating to receivers of mineral interests of non-resident or absent owners. (31-0)

**H.B. 302** (Doggett) Relating to parking privileges for disabled veterans. (31-0)

**H.B. 307** (Blake) Relating to sale and conveyance of certain described land by the Parks and Wildlife Commission. (31-0)

**H.B. 353** (McKnight) Relating to the boundaries, taxing power, directors and bonds of the Wood County Central Hospital District. (31-0)

**C.S.H.B. 637** (Doggett) Changing the name of the Commission on the Arts and Humanities. (31-0)

**H.B. 765** (Clower) Relating to the construction and use of courthouses and county office buildings at the county seat or elsewhere. (31-0)

**H.B. 859** (Harris) Relating to use of gratuities in determining wages for unemployment compensation purposes. (31-0)

**H.B. 908** (Creighton) Relating to compensation of members of the Johnson County Juvenile Board. (31-0)

**H.B. 952** (Blake) Relating to the sale of certain wild animals.

Senator Blake offered the following amendment to the bill:

Amend HB 952 by inserting a new SECTION 1, (b) (3) to read as follows and renumbering the remainder of the bill accordingly:

“(3) the sale to a commercial dealer who in turn resells for purposes authorized in section (b), (1) and (2).”

The amendment was read and was adopted.

On motion of Senator Blake and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (vv)

**H.B. 967** (Farabee) Relating to juvenile jurisdiction of county courts and county courts at law. (31-0)

**H.B. 987** (Snelson) Relating to creation of the County Court at Law of Val Verde County. (vv)

**H.B. 994** (Schwartz) Relating to persons who may perform marriage ceremonies. (31-0)

**H.B. 1004** (Traeger) Relating to duties of the county attorney of Webb County. (31-0)

**H.B. 1301** (Jones of Taylor) Relating to the treatment of timely mailing of annual statements to the State Board of Insurance as timely filing. (31-0)

**H.B. 1414** (Moore) Relating to the applicability of the Uniform Wildlife Regulatory Act to Lake Limestone in Leon County. (31-0)

**H.B. 1418** (Short) Relating to the transportation of certain agricultural commodities in their natural area.

Senator Short offered the following committee amendment:

Amend H.B. No. 1418 by striking the following after the sentence that ends on page 1, line 15:

“A holder of a seasonal agricultural license may also transport cotton and cottonseed from a cotton gin to the next processor.”

The committee amendment was read and was adopted.

On motion of Senator Short and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)

**H.B. 1427** (Traeger) Relating to fishing in McMullen County. (vv)

**H.B. 1436** (Longoria) Relating to selection and excuse of grand jurors. (vv)

**H.B. 1490** (Schwartz) Relating to geopressured geothermal energy. (31-0)

**H.B. 1521** (Doggett) Relating to interpreters for hearing-impaired persons for administrative and judicial proceedings. (31-0)